

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES	)	
	)	
v.	)	MAGISTRATE JUDGE DOCKET NO.
	)	1:05-000401-001
JOHN C. BURLING	)	

DEFENDANT'S MOTION TO CONTINUE TRIAL  
(ASSENTED TO)

Defendant John C. Burling ("defendant") hereby moves that the trial of the above-captioned petty offense be continued for thirty days, or to such other date which is convenient for the Court. See Local Rule 11(a) of the Rules for United States Magistrate Judges. The trial is presently scheduled to commence on March 23, 2005. As grounds for this motion, defendant represents that he and his counsel need additional time to discuss with representatives of the complaining agency, National Park Service ("NPS"), the possibility of an agreed-upon disposition which would obviate the need for the trial of this matter. In the event that the parties cannot agree upon a disposition, defendant further represents that he needs additional time to prepare properly for trial.

In further support hereof, defendant represents the following:

1. On or about October 26, 2004, defendant was served with three Violation Notices charging him with offenses concerning the alleged digging of archeological resources (e.g., arrowheads) at the Cedar Banks area of the National Seashore in Eastham, Massachusetts. 36 C.F.R. 2.1(a)(1)(ii)&(iii). Although defendant made his initial appearance sometime thereafter, the Court did not appoint counsel for defendant until the early part of February, 2005.

2. Recently, defendant's counsel and an NPS representative have engaged in discussions concerning a possible agreed-upon disposition of this case. Although discussions have been amicable and fruitful, the parties desire further time to explore a potential resolution of this matter.

3. If the parties cannot find common ground, defendant represents that the case presents surprisingly complex issues concerning archeological artifacts and natural resource management. Defendant's trial preparation is not complete, due to the above-referenced discussions, and also due to the serious medical issues which defendant has been addressing.

4. In further support hereof, the NPS has assented to the relief requested in this motion. Accordingly, the interests of justice will be promoted by the allowance of this motion.

Respectfully submitted,

JOHN C. BURLING

By his attorney,

  
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Dated: March 17, 2005